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2015 Report on International Religious Freedom - Afghanistan

Executive Summary

The constitution establishes Islam as the state religion, but states followers of religions other than Islam are free to exercise their faith within the limits of the law. According to the courts' interpretation of Islamic law, conversion from Islam to another religion is apostasy, which is punishable by death. According to the Supreme Court, the Bahai Faith is distinct from Islam and is a form of blasphemy, which is also a capital offense. The law prohibits the production and publishing of works contrary to the principles of Islam or offensive to other religions. Although there were no reported prosecutions for apostasy or blasphemy during the year, individuals who converted from Islam feared repercussions. Christians stated they avoided situations where they might appear to be proselytizing due to their fear of government and societal reprisal. Hindus and Sikhs continued to encounter problems in cremating their dead, despite police protection for their rituals. Both groups continued to express fear of retaliation if they availed themselves of legal protection in disputes with neighbors. According to representatives of minority religions, the courts did not accord non-Muslims the same rights as Muslims and often subjected non-Muslims to Hanafi Sunni jurisprudence. Members of the Bahai Faith said they suffered from legal discrimination and restrictions on their rituals. Shia Muslims, although holding some major positions in the government, said the number of positions did not reflect their demographics and complained the government neglected security in majority-Shia areas.

According to media reports, the Taliban, the Islamic State in Khorasan Province (ISKP), and other insurgent groups attacked and killed leaders of religious minority communities because of their beliefs or their links to the government. The Taliban reportedly killed two clerics during one week in July. ISKP killed several religious scholars in separate incidents in October and November. ISKP targeted members of the Shia Hazara minority for kidnappings and beheadings in incidents resulting in the deaths of at least 11 individuals. One such incident in November prompted demonstrations in Kabul demanding the government increase security for minorities.

The media reported several killings in response to alleged religious offenses. Non-Muslim minorities such as Sikhs, Hindus, and Christians continued to face harassment and, in some cases, violence. Christians said public opinion continued to be hostile toward proselytizing. They said they worshipped in private homes to avoid societal discrimination and persecution. Hindus and Sikhs said they were able to practice their religions publicly, but they continued to suffer societal discrimination, including limitations on their educational and economic opportunities. Observers stated discrimination against the Shia minority by the Sunni majority had declined, but there continued to be reports of localized incidents. Only a few places of worship for Sikhs, Hindus, and Jews remained. These communities' numbers continued to decrease through emigration.

U.S. embassy officers met with senior government officials to discuss apostasy, blasphemy, and the protection of religious minorities, as well as government efforts to counter violent extremism. Embassy officers also met with religious leaders and civil society figures to raise cases of punishments meted out by community elders based on their interpretations of which acts constituted religious offenses. The embassy met with leaders of major religious groups, scholars, and nongovernmental organizations (NGOs) to discuss ways to introduce the public to a broader range of religious perspectives and enhance religious tolerance. Embassy outreach programs supported both traditional and modern voices opposing violent extremism and presented a range of perspectives on interfaith and intrafaith dialogue.

Section I. Religious Demography

The U.S. government estimates the total population at 32.6 million (July 2015 estimate) with Sunni Muslims comprising 85- 90 percent of the population, and Shia Muslims making up 10-15 percent of the population. The Shia population includes Ismailis and a majority of ethnic Hazaras. Other religious groups, mainly Hindus, Sikhs, Bahais, and Christians, comprise an estimated 0.3 percent of the population. Sikh and Hindu leaders estimate there are 343 Sikh and Hindu families totaling 2,000 individuals, although the number is declining because of emigration. Reliable estimates of the Bahai and Christian communities are not available. There are small numbers of practitioners of other religions, including one Jew.

The Hazaras live predominantly in the central and western provinces, and the Ismailis live mainly in Kabul and in the central and northern provinces. Followers of the Bahai Faith are predominantly based in Kabul, with a small community in Kandahar.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution declares Islam the official state religion, and says no law may contravene the beliefs and provisions of the “sacred religion of Islam.” It further states there may be no amendment to the constitution’s provisions adhering to the fundamentals of Islam. According to the constitution, followers of religions other than Islam are “free to exercise their faith and perform their religious rites within the limits of the provisions of the law.”

There is no definition of apostasy in the criminal code. Apostasy falls under the seven offenses making up the *hudud* as defined by sharia. According to Sunni Hanafi jurisprudence, beheading is appropriate for male apostates, while life imprisonment is appropriate for female apostates unless they repent. A judge may also impose a lesser penalty if doubt about the apostasy exists. This guidance applies to individuals who are of sound mind and have reached the age of maturity. Although civil law states the age of majority for male citizens is 18 and for female citizens 16, Islamic law defines it as the point at which one shows signs of puberty.

Under the courts’ interpretation of Islamic law, conversion from Islam to another religion is apostasy. If someone converts to another religion from Islam, he or she shall have three days to recant the conversion. If the person does not recant, then he or she shall be subject to the punishment for apostasy.

Blasphemy, which may include anti-Islamic writings or speech, is a capital crime under the courts’ interpretation of Islamic law. Similar to apostates, the courts give blasphemers three days to recant or face death.

According to a 2007 ruling from the General Directorate of Fatwas and Accounts under the Supreme Court, the Bahai Faith is distinct from Islam and is a form of blasphemy. All Muslims who convert to it are considered apostates, and Bahai practitioners are labeled infidels.

The law prohibits the production, reproduction, printing, and publishing of works and materials contrary to the principles of Islam or offensive to other religions and denominations. It also prohibits publicizing and promoting religions other than Islam and bans articles on any topic the government deems might harm the physical, spiritual, and moral well-being of persons, especially children and adolescents. The law instructs National Radio and Television Afghanistan (RTA), a government agency, to provide broadcasting content reflecting the religious beliefs of all ethnic groups in the country. The law also obligates RTA to adjust its programs in light of Islamic principles as well as national and spiritual values.

The criminal code punishes “crimes against religions,” which includes verbal and physical assault on a follower of a religion. It specifies a person who attacks a follower of any religion shall receive a prison sentence of not less than three months and a fine of between 3,000 and 12,000 afghanis (\$44 to \$177).

Licensing and registration of religious groups are not required. Registration as a group (which gives the group the status of a shura or council) or an association conveys official recognition and offers certain benefits. Groups recognized as shuras or councils may cooperate with one another on religious issues. Associations may conduct business with the government or the society as a whole. Both groups and associations register with the Ministry of Justice.

The criminal code states persons who forcibly stop the conduct of rituals of any religion, those who destroy or damage “permitted places of worship” (a term not defined by the code) where religious rituals are conducted, or those who destroy or damage any sign or symbol of any religion are subject to a medium-term punishment. The criminal code defines medium-term as confinement in jail for not less than one and not more than five years and/or a fine of between 12,000 and 60,000 afghanis (\$177 to \$884).

According to the constitution, the “state shall devise and implement a unified educational curriculum based on the provisions of the sacred religion of Islam” and develop courses on religion on the basis of the “Islamic sects” in the country. The national curriculum includes materials designed separately for Sunni-majority schools and Shia-majority schools, as well as textbooks which emphasize nonviolent Islamic terms and principles. The curriculum includes courses on Islam but not on other religions. Non-Muslims are not required to study Islam in public schools.

The constitution specifies the courts shall apply the provisions of the constitution as well as the law in ruling on cases. If neither the constitution nor the law relates to a specific case, the constitution says courts shall apply Hanafi Sunni jurisprudence within the limits set by the constitution. It also states courts shall apply Shia law in cases dealing with personal matters involving Shia followers. In matters requiring sharia jurisprudence, non-Muslims may not provide testimony. The constitution makes no mention of separate laws applying to non-Muslims.

A Muslim man may marry a non-Muslim woman, but the woman must first convert if she is not an adherent of one of the other two Abrahamic faiths – Christianity or Judaism. It is illegal for a Muslim woman to marry a non-Muslim man. Marriages between non-Muslims are legal, as long as the couple does not publicly declare their non-Muslim beliefs.

The government’s national identity cards indicate an individual’s religion. Individuals are not required to declare belief in Islam to receive citizenship.

The constitution requires the president and vice presidents to be Muslim. Other senior officials (ministers, members of parliament, judges) must swear allegiance and obedience to the principles of Islam as part of their oath of office.

The constitution allows the formation of political parties, provided the program and charter of a party are “not contrary to the principles of the sacred religion of Islam.” The constitution states political parties may not be based on sectarianism.

Government Practices

Although there were no reported prosecutions for apostasy or blasphemy, individuals who converted from Islam stated they feared repercussions, and Christians said they avoided situations where they might appear to the government to be proselytizing due to fear of reprisal. Hindus and Sikhs continued to encounter problems in cremating their dead, despite police protection for their rituals. Both groups continued to express fear of retaliation if they availed themselves of legal protection in disputes with neighbors. According to representatives of minority religions, the courts did not accord non-Muslims the same rights as Muslims and often subjected non-Muslims to Hanafi Sunni jurisprudence. Members of the Bahai faith said they suffered from legal discrimination and restrictions on their rituals. Shia Muslims, although holding some major positions in the government, said the number of positions did not reflect their demographics and complained the government neglected security in majority-Shia areas. The government conducted an effort to register madrassahs throughout the country and provided them with a standardized religious curriculum.

Individuals who converted from Islam said they continued to risk annulment of their marriages, rejection by their families and communities, loss of employment, and possibly the death penalty for doing so.

There were no reports of prosecutions for blasphemy or apostasy during the year, including of Bahais who, although labeled infidels, were not converts and as such not charged with either crime. One individual convicted of blasphemy in 2013 remained in prison serving a 20-year sentence.

Hindu and Sikh sources said the law did not hinder their communities from building places of worship, nor did the law restrict clergy from training other Hindus and Sikhs to become clergy. They could not, however, propagate their faith. Christians said they continued to avoid situations where the government might perceive them as seeking to spread their religion to the larger community out of fear of government reprisal.

The Ministry of Hajj and Religious Affairs (MOHRA) remained the primary government agency handling religious affairs. Its responsibilities continued to include managing pilgrimages (Hajj and Umrah), revenue collection for religious activities, acquisition of property for religious purposes, issuance of fatwas, educational testing of imams, sermon preparation and distribution for government-supported mosques, and raising public awareness of religious issues. The government continued to permit both Sunnis and Shia to go on pilgrimages, with no quota on either group.

As of the end of the year, MOHRA estimated between 4,800 and 5,000 mullahs were registered with and worked directly for MOHRA, receiving an average monthly salary of 4,700 afghanis (\$69). While MOHRA said the ministry did not have the financial resources to create a comprehensive registry of mullahs and mosques in the country, MOHRA estimated that there were approximately 150,000 to 160,000 mosques. Approximately 50,000 mosques had been registered in a database over several years with the financial and technical assistance of an NGO. MOHRA also estimated there were approximately 300,000 mullahs in Afghanistan. The minimum educational requirement for mullahs who applied to be prayer leaders in MOHRA-registered mosques remained a bachelor's degree or equivalent, verified by the Ministry of Education (MOE).

While MOHRA continued to maintain a division of engineers to design new mosques and allocated a portion of its budget to help support the construction of new mosques, local groups paid the largest portion of the costs for new mosques and were not required to inform the ministry about the new construction unless they wished to request financial or other assistance.

As in past years, Hindus and Sikhs stated individuals who lived near cremation sites continued to interfere in their efforts to cremate the remains of their dead in accordance with their customs. Although the government had previously provided land for this purpose, Sikhs continued to express concern over the distance of the land from any major urban area and the lack of security in the region, which rendered the land unusable in their view. The government continued to provide police support to protect the Sikh and Hindu communities while they performed their cremation rituals. Members of the Bahai faith said they continued to face challenges and discrimination when attempting to tend to their dead in accordance with their customs.

Sikh and Hindu sources reported members of their communities continued to express concern over land disputes and said they often chose not to pursue restitution through the courts for fear of retaliation, particularly when powerful local leaders occupied their property. A Sikh leader reported the community had not been able to use land set aside by the government for burials and housing due to what he said were threats from local residents. The residents argued the land was private property and the government did not have the authority to give the land to the Sikhs. He said the residents were using the land as a dump.

Following an MOE effort to register madrassahs during the year, MOHRA reported there were 3,224 registered madrassahs and "Quran learning centers" throughout the country. The madrassahs served approximately 340,000 students mostly in Kabul, Balkh, Nangarhar, and Herat provinces. The registration process required a school to have suitable buildings, classrooms, accredited teachers, and dorms if students lived on campus. Registration did not permit the government to control a madrassah, but qualified the madrassah's diplomas and certificates for government recognition. Only certificates issued by registered madrassahs allowed students to pursue higher education at government universities. MOHRA did not offer data on the number of unregistered madrassahs, but estimated registered madrassahs "far outnumbered" unregistered madrassahs following the registration effort. The MOE had the authority to close unregistered madrassahs. MOHRA did not operate primary-level madrassahs. Mosques provided primary-level religious studies instead. MOHRA also ran 70 madrassahs which bestowed a two-year degree, including four higher-level madrassahs for female students only.

The MOE continued to require registered madrassahs to route private or international donations through the MOE or risk an MOE ban, although the MOE rarely imposed this penalty. According to government authorities, this system of channeling funds through the MOE allowed the government to monitor financial assistance to institutes of learning. The government also continued efforts to solicit donations from other Muslim countries and from private individuals to support madrassahs. The MOE required independent madrassahs to be accredited and disclose their funding sources.

The MOE, through its Department of Islamic Education, continued to provide registered madrassahs with a standardized curriculum. Madrassahs are required to have 60 percent religious instruction and 40 percent general instruction. Government-affiliated and funded madrassahs offered Islamic and secular education in accordance with the MOE curriculum.

There was one government-sponsored school for Sikh children, located in Kabul. The government previously had shut down the schools in Helmand and Ghazni provinces after enrollment declined. The government provided the same proportionate funding to cover staff salaries, books, and maintenance as it did for other schools. The MOE provided the curriculum for the Sikh school, except for religious studies. The community appointed a teacher for religious studies, and the MOE paid the teacher's salary.

There was also a privately-funded Sikh school in Jalalabad supported by the Swedish Committee for Afghanistan, a Swedish NGO. A few Sikh children also attended private international schools. There also was a Sikh university student studying medicine at Kabul University. Hindus did not have separate schools but sometimes sent their children to Sikh schools. There were no Christian schools.

According to minority religious groups, courts continued to rely on Hanafi interpretations of Islamic law even in cases where such law conflicted with the country's international commitments to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the United Nations Convention on the Rights of Disabled Persons. For example, an advisor at the Ministry of Labor, Social Affairs, Martyrs, and the Disabled said the Supreme Court's denial of an internship (judicial course) to a student with a physical disability was reportedly based on the court's interpretation of Islam's stipulation judges had to be of sound mind and body. In July the media reported some parliament members, as well as some religious leaders, objected to President Ghani's nomination of a female Supreme Court justice. They claimed it was "anti-Islamic" for a woman to hold a position on the court. Due to the objections, parliament did not confirm her nomination.

Senior members of the Ulema Council, a group of influential Sunni and Shia scholars, imams, and Muslim jurists from across the country, continued to meet with the president and to advise him on Islamic legal issues. Through contacts with the presidential administration, the parliament, and ministries, the Ulema Council advised on the formulation of new legislation and the implementation of existing law. During the year, the council released statements supporting the "Islamic legitimacy" of the state. Although the council is officially independent of the government, its members received financial support from the state. The council also advised some provincial governments, although in villages and rural areas scholars, NGO representatives and government officials agreed decisions usually were based on local interpretations of Islamic law and tradition.

According to representatives of minority religions, the courts did not always accord non-Muslims the same rights as Muslims. They said the state, including the courts, traditionally acted as if all citizens were Muslims, and some basic citizenship rights of non-Muslims were not codified. As a result, they said, non-Muslims might be tried according to Hanafi jurisprudence.

Although Sikhs and Hindus had recourse to dispute resolution mechanisms such as a Special Land and Property Court, members of the two communities stated they felt unprotected by these mechanisms. They stated their community members generally did not take civil cases to court; rather, they preferred to settle disputes within their communities.

Members of the Bahai community stated there continued to be legal discrimination against them, particularly on the question of marriages between Bahai women and Muslim men.

Although Shia held senior positions in government and the law placed no restrictions on their participation in public life, some Shia stated the government neglected security in majority-Shia areas. They also stated appointments to government administrative bodies did not adequately reflect the demographics of the country.

A small number of Sikhs and Hindus continued to serve in government positions, including one at the municipal level, one at the Afghanistan Chamber of Commerce and Industries, and one as a presidentially appointed member of the upper house of parliament.

Although four Ismailis continued to serve as members of parliament, there continued to be complaints from members of the Ismaili community about what they called the exclusion of Ismailis from positions of political authority.

The government continued to support judicial, constitutional, and human rights commissions composed of members of different Islamic religious (Sunni and Shia) groups as part of an effort aimed at Muslim intrafaith reconciliation. The Ministry of Women's Affairs and MOHRA continued to work together for the stated goal of giving women the opportunity to attend mosques. The government-funded Moderation Center of Afghanistan continued to operate, focusing on intrafaith communication and promoting what the government viewed as a moderate interpretation of Islam. The center continued educational exchanges to send Shia and Sunni clerics to Kuwait for training and then appointed them as teachers in various provinces to train other clerics.

Abuses by Foreign Forces and Non-State Actors

Media reports attributed the killings of religious leaders to members of the Taliban, ISKP, and other insurgent groups. Insurgents reportedly continued to target religious leaders because of their links to the government or their interpretations of Islam. The Taliban reportedly killed a number of clerics, including two in a one-week period in July in Faryab Province (Almar and Ghormach Districts). ISKP killed a religious scholar in the Achin District of Nangarhar in September and a religious scholar in the Bati Kot District of Nangarhar in October.

In April media reports said ISKP had kidnapped and beheaded four Hazaras in Ghazni.

In November ISKP reportedly beheaded four men, two women, and one girl who were Shia Hazaras. Following the beheadings, the media reported protesters numbering in the tens of thousands assembled in Kabul and in other cities demanding increased security for minorities, especially in the provinces where many Hazaras lived. According to most media accounts, the vast majority of protestors were Shia Hazaras, but other religious and ethnic groups also reportedly participated.

There were also reports of unidentified assailants killing clerics. One such case involved a cleric who was shot to death in the Samangan District of Faryab Province in July.

Insurgents continued to target specific religious groups for abuse. The Taliban and other armed groups kidnapped or robbed Shia Hazaras on multiple occasions during the year. In February masked gunmen, believed by government officials and local civil society activists to be ISKP, kidnapped 30 Hazaras in Zabul. In July 11 Hazaras were kidnapped in Baghlan during a local tribal dispute over missing sheep.

The Taliban and other insurgents threatened religious leaders with death for preaching messages contrary to their interpretation of Islam or their political agenda. The Taliban, in particular, continued to warn mullahs not to perform funeral prayers for government security officials. Members of the Taliban also monitored the social habits of local populations, imposing punishments according to their interpretation of Islamic law on residents in areas under their control.

Insurgents claiming affiliation with ISKP engaged in similar activities and also closed dozens of schools in Nangarhar Province, reportedly to exercise more control over religious education.

Media reported ISKP claimed responsibility for an October 9 attack on a Shia religious center in Kabul.

Armed groups reportedly burned more than a dozen mosques in Baghlan Province in July and August. Some media accounts suggested the Taliban were responsible, but no perpetrators were identified.

Section III. Status of Societal Respect for Religious Freedom

The media reported several extrajudicial killings in response to alleged religious offenses. In March a mob killed a woman named Farkhunda in Kabul following an allegation, later reported to be false, that she had burned pages of a Quran. The government prosecuted some of the perpetrators, although the Supreme Court had not determined the final disposition of the case as of the end of the year. In November a mob stoned a young woman named Rokhshana to death in Ghor, reportedly for attempting to elope with one man after a forced marriage to another. The government condemned the killing and pledged an investigation and a trial of the perpetrators. As of the end of the year, Ghor police had arrested one suspect and were investigating other possible suspects.

Non-Muslim minorities such as Sikhs, Hindus, and Christians continued to face harassment and, in some cases, violence. Because religion and ethnicity are often closely linked, it was difficult to categorize many incidents as being solely based on religious identity.

Individual Hindus and Sikhs said they continued to be able to practice their religions publicly but reported harassment from their neighbors. Members of the Hindu community said they faced fewer incidents of harassment than Sikhs, ascribing the difference to their lack of a distinctive male headdress. Despite the differences between the groups, many Afghans reportedly tended to use the terms Sikh and Hindu interchangeably.

Christians said public opinion continued to be hostile toward converts to Christianity and to the idea of Christian proselytizing. They said members of the small Christian community, many of whom had converted to Christianity while living in third countries, continued to worship alone or in small congregations in private homes out of fear of societal discrimination and persecution.

Sources reported local Muslim religious leaders continued to confront women over their attire and behavior, regardless of religion. They said as a result many women continued to wear a burqa in public in rural areas and in some urban areas. In urban areas where most women no longer wore the burqa, almost all women continued to wear some form of head covering, either by personal choice or due to societal pressure.

There remained few places of worship for the decreasing numbers of Sikhs, Hindus, and Jews. The number of gurdwaras (Sikh places of worship) remained at 11 after declining from a total of 64 in the late 1970s. Kabul's lone synagogue remained inactive. There continued to be no public Christian churches. Worship facilities for noncitizens of various faiths were located at coalition military facilities and at embassies in Kabul. Buddhist foreigners were free to worship in Hindu temples.

According to the Office of the United Nations High Commissioner for Refugees, members of the Sikh and Hindu communities continued to avoid sending their children to public schools, reportedly because of harassment by other students. In the past, Hindus and Sikhs had sent their children to private Hindu and Sikh schools. Many of those schools had closed due to the decreasing size of the two communities as well as the declining economic circumstances of their members. A Sikh community member stated Hindus and Sikhs largely remained illiterate, which continued to limit their higher education and employment opportunities.

Observers stated discrimination against the Shia minority by the Sunni majority had declined in recent years. There continued to be reports of incidents of unofficial discrimination and poor treatment, which varied by locality.

Leaders of both Hindu and Sikh communities said they continued to face discrimination, such as long delays to resolve cases in the judicial system.

Sikh leaders stated a lack of access to the labor market was a main cause of Hindu and Sikh emigration. They reported a significant increase in emigration during the year as economic conditions worsened for their communities and security concerns increased.

Foreigners participating in economic development projects reported continued suspicion among the population regarding outside influence and the motivation of foreigners offering development assistance. Some of the populace reportedly suspected offers of assistance were surreptitious efforts to advance Christianity and engage in proselytizing.

According to observers, local Muslim religious leaders continued to exert pressure to limit various social activities, such as female participation in sports, which ran afoul of their religious norms.

Section IV. U.S. Government Policy

The U.S. embassy continued to work with the government to promote religious tolerance and enhance the government's capacity to counter violent extremism. Senior embassy officers and other embassy staff discussed issues such as apostasy and blasphemy and the protection of religious minorities with government officials.

Embassy officers met with religious leaders and civil society figures to raise cases of punishments meted out by community elders due to their perceptions of religious offense. The embassy met with leaders of major religious groups, scholars, and NGOs to discuss ways to introduce the public to a broader range of religious perspectives and enhance religious tolerance.

During Ramadan embassy staff hosted iftars with government, civil society, and religious leaders to promote religious dialogue and tolerance.

Embassy outreach programs supported both traditional and modern voices opposing violent extremism, and presented a range of perspectives on interfaith and intrafaith dialogue.

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